


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: De Haen et al.

Examiner: Brandon J. FETTEROLF

Serial No.: 10/532,446

Art Unit: 1642

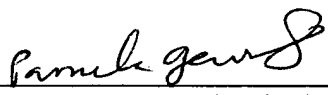
Filing Date: April 22, 2005

For: METHOD FOR THE SELECTIVE AND QUANTITATIVE FUNCTIONALIZATION OF IMMUNOGLOBULIN FAB FRAGMENTS, CONJUGATE COMPOUNDS OBTAINED WITH THE SAME AND COMPOSITIONS THEREOF

Certificate of Mailing and/or Transmission Under 37 C.F.R. § 1.8(a)(1)(i)(A)(ii)

I hereby certify that the following correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO (571) _____, on the date indicated below:

1. Information Disclosure Transmittal: 3pp;
2. Forms PTO/SB/08A and 08B: 1pg each;
3. Copy of European Search Report: 3pp; and
4. Copy of two cited foreign publications: 422 pp total

Date: July 2, 2008Signature: 

Pamela J. Gewirtz

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMPLIANT SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97 AND 1.98

Sir:

In response to the April 10, 2008 Office action and Examiner's findings of non-compliance directed to the Supplemental Information Disclosure Statement filed January 11, 2007, applicants respectfully re-submit the Information Disclosure Statement of January 11, 2007. The re-submitted Information Disclosure Statement now provides copies of each cited foreign patent document and each non-patent literature publication, thereby complying with 37 CFR§1.98(a)(2).

It is respectfully requested that this Information Disclosure Statement and the references identified on the enclosed Forms PTO/SB/08A and PTO/SB/08B, a copy of which is attached, be considered during the pendency of the prosecution of the immediate application.

As the references identified on Forms PTO/SB/08A and 08B were previously listed before the mailing of a first Office action on the merits, applicants request they be considered pursuant to §§ 1.56, 1.98 and 1.97(b)(3). However, should the Examiner treat this submission of the Information Disclosure Statement as a "new" submission, then applicants kindly request the references be considered pursuant to

§§§ 1.56, 1.98 and 1.97:

(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- ☐ (1) within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d)
- ☐ (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application
- ☒ (3) before the mailing of a first Office action on the merits; or
- ☐ (4) before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of

- ☐ (1) the statement specified in paragraph (e) of this section; or
- ☒ (2) the fee set forth in § 1.17(p).

(d) an information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- ☐ (1) the statement specified in paragraph (e) of this section; and
- ☐ (2) the fee set forth in § 1.17(p).

(e) a statement under this section must state either:

- ☐ (1) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ (2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

☒ (g) An information disclosure statement filed in accordance with section shall not be construed as a representation that a search has been made

☒ (h) The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

Applicants further request that:

1. The references identified on the enclosed Forms PTO/SB/08A and 08B be made of record therein and appear among the "References Cited" on any patent to issue therefrom.
2. The enclosed Forms PTO/SB/08A and 08B be appropriately initialed by the Examiner, and a copy of same be returned to Applicants' attorney.

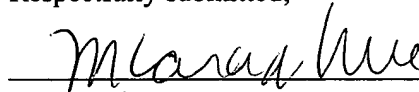
It is reiterated that the references identified on Forms PTO/SB/08A and 08B were previously listed before the mailing of a first Office action on the merits and thus, would not be subject to the \$180.00 fee, under 37 CFR § 1.17(p). However, if the Examiner deems this Information Disclosure Statement to be filed under 37 C.F.R. § 1.97(c) or (d), then the Director is hereby authorized to charge any fees due, or credit any overpayments to Deposit Account No. 50-2168.

Early and favorable action is hereby requested.

July 2, 2008

Date

Respectfully submitted,



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